IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 13536 OF 2007(J)

PETITIONER:

JOMON JOSEPH, S/O. JOSEPH,
AGED 35 YEARS, ALUNGAL HOUSE, CHENGARA KARA,
KEERAMPARA P.O.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY SECRETARY, HOME DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. CIRCLE INSPECTOR OF POLICE,
KOTHAMANGALAM POLICE STATION.

3. SUB INSPECTOR OF POLICE,
OONNUKAL POLICE STATION.

4. HEADLOAD AND GENERAL WORKERS UNION
(INTUC), CONGRESS BHAVAN, REP. BY ITS PRESIDENT.

5. ERNAKUALM DISTRICT HEADLOAD AND GENERAL
WORKERS UNION, REP. BY ITS SECRETARY.

6. HEADLOAD AND GENERAL WORKERS UNION,
MAZDOOR SANG (BMS), KOTHAMANGALAM, REP. BY ITS
SECRETARY.

7. HEADLOAD AND GENERAL WORKERS UNION
(AITUC), ACHUTHA MENON MEMORIAL BUILDING,
KOTHAMANGALAM, REP. BY ITS SECRETARY.

BY ADV. SRI.ALEXANDER JOSEPH
GOVT. PLEADER SRI. P.A. SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) 13536/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 2ND AND 3RD RESPONDENTS DATED 16.4.2007.
EXT.P2	TRUE COPY OF THE APPLICATION FOR REGISTRATION OF HEADLOAD WORKERS SUBMITTED BY ONE OF THE EMPLOYEES OF THE PETITIONER, DATED 12.3.2007.

RESPONDENTS' EXHIBITS:

EXT.R4(a)	TRUE COPY OF THE NOTICE DATED 30.3.2007 ISSUED BY THE HEAD LOAD WORKERS WELFARE BOARD TO THE PETITIONER.

// TRUE COPY //

P.S. TO JUDGE.

knc/-

P.R. RAMAN & K. HEMA, JJ.

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W.P.(C) NO. 13536 OF 2007

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DATED THIS, THE 5TH DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

Petitioner has started a rubber nursery at Chelad, according to him, by availing huge amount by way of lone from the Federal Bank. It is his allegation that the work in the said rubber nursery is carried on by himself and his brother. But the 4th respondent Union is causing obstruction making illegal demands.

2. The 4th respondent, on notice, has filed a counter affidavit denying the allegations and stating that it is a notified area under the Head load Workers Act and Ext.R4(a) was issued by the Kerala Head load Workers Welfare Board informing the petitioner that he can engage only registered head load workers for the loading and unloading work connected with the rubber nursery and that petitioner has suppressed this fact while filing the writ petition.

3. Heard the learned counsel appearing for all the parties. So long as the petitioner is doing the work in the nursery by himself or by his brother, there cannot be any obstruction caused by the 4th respondent or its members. If the petitioner has a case that he has got any permanent workers, necessary they will have to be registered under the Head load Workers Act. He cannot engage any worker other than registered head load workers for carrying on the loading and unloading work connected with the nursery. However, if that work is done by the petitioner or his brother, there cannot be any obstruction caused by any parties and in case any such obstruction is caused, it will be open to the petitioner to approach the third respondent Sub Inspector of Police who shall render necessary protection to the petitioner. The Head load workers will have only a right to insist for the work connected with loading and unloading; but not to cause any obstruction.

The writ petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-